

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CYCLE-CRAFT CO., INC.  
d/b/a BOSTON HARLEY-DAVIDSON/BUELL,

Plaintiff,

v.

HARLEY-DAVIDSON MOTOR COMPANY,  
INC. and BUELL DISTRIBUTION COMPANY,  
LLC,

Defendants.

Civil Action No. 04-11402 (NMG)

**Cycle-Craft's Updated Trial Exhibit List**

Pursuant to the Court's direction at the May 18, 2006 pre-trial conference in this matter, the parties have had discussions in an attempt to resolve objections to exhibits. As a result of these discussions, the parties have stipulated to numerous additional exhibits. Cycle-Craft Co., Inc. d/b/a Boston Harley-Davidson/Buell ("Cycle-Craft")'s hereby submits this updated exhibit list to reflect those changes as well as changes in the order it plans to introduce the exhibits at trial.

Cycle-Craft reserves the right to offer as evidence additional documents as needed for cross-examination, impeachment or rebuttal. Further, Cycle-Craft reserves the right to introduce any exhibit appearing on Harley-Davidson Motor Company Inc. ("Harley-Davidson")'s exhibit list.

Cycle-Craft further states that it includes certain exhibits without waiver or limitation of its right to object to any exhibit, on grounds of authenticity, competency, relevancy, materiality, privilege, admissibility as evidence for any purpose, or any other ground.

In accordance, with the Court's Order, those exhibits to be introduced by without objection are identified by a single sequence of numbers and those exhibits for which Harley-Davidson has reserved the right to object have been identified by a single sequence of capital letters. Cycle-Craft has attempted to comply with the Court's directive to list exhibits in order of their anticipated introduction to the Court but reserves the right to alter that order of introduction.

<b>Trial Exhibit Number</b>	<b>Date</b>	<b>Description</b>	<b>Deposition Exhibit Number</b>	<b>Bates Range(s)</b>	<b>Dated Offered</b>	<b>Dated Admitted</b>	<b>Offered Through Witness:</b>
100.	6/12/04	Video Recording of Cycle-Craft Facility	Atwood Declaration, Ex. 5				
101.	09/19/00	Harley-Davidson Motorcycle Dealer Contract for Cycle-Craft Co., Inc. d/b/a Boston Harley-Davidson/Buell	Plaintiff Summary Judgment Exhibit 1, Atwood 1	H-D 0001, 0001.1, 0002, 0002.1, and 0035			
	06/14/02	Harley-Davidson Motorcycle Dealer Contract Extension for Cycle-Craft Co., Inc. d/b/a Boston Harley-Davidson/Buell	Plaintiff Summary Judgment Exhibit, 1 Atwood 1A	H-D 0006			
102.	09/19/00	Buell Contract	Atwood 2	H-D 0033 – 0061			
	06/14/02	Buell Contract Extension	Atwood 2A	H-D 0038			
103.	01/99	Harley-Davidson General Conditions of Sale and Service	Plaintiff Summary Judgment Exhibit 2	H-D 0007 – 0032			
104.	2000-2003	Cycle-Craft's Bar and Shield Scoresheets	Plaintiff Summary Judgment Exhibit 38	H-D 0532, 0557, 0582, 0607			
105.	1997	1997 Annual Report of Harley-Davidson, Inc.					
106.	03/07/03	Letter from Gregory Holmes to Harry [Barry] Nichols re: Boston Harley Davidson	Plaintiff Summary Judgment Exhibit 33, Malicki 40	H-D 0979 – 0980			
107.	04/20/04	Letter from Jon Flickinger to John Atwood re: Inspection of Records	Plaintiff Summary Judgment Exhibit 14, Verduyn 24	H-D 0085 – 0087			

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108.	04/20/04	Letter from Jon Flickinger to John Atwood re: Notice of Dealer Contract Termination	Plaintiff Summary Judgment Exhibit 26, Verduyn 25	H-D 0088 – 0093			
109.		Photos of the outside of the Boston Harley-Davidson Dealership		C-C 03061, C-C 03066, C-C 03067			
110.		Boston Harley-Davidson Vehicle Inventory for John Atwood's Motorcycles	Plaintiff Summary Judgment Exhibit 41-J				
111.	July 2003	Sales advertisements placed in the Boston Herald by Boston Harley-Davidson		C-C 01000 – C-C 01005			
112.		Original Deal Jacket for NH Sale (VIN 1HD1BRY443Y089070)		C-C 00551-69			
113.		Original Deal Jacket for NH Sale (VIN 1HD1BVB143Y106103)		C-C 00428-50			
114.		Original Deal Jacket for NH Sale (VIN 1HD1BVB173Y114065)		C-C 00462-81			
115.		Original Deal Jacket for NH Sale (VIN 1HD1FSW183Y644686)		C-C 00482-99			
116.		Original Deal Jacket for NH Sale (VIN 1HD1BXB433Y115249)		C-C 00515-31			
117.		Original Deal Jacket for NH Sale (VIN 1HD1FRW403Y746907)		C-C 00500-14			
118.		Original Deal Jacket for NH Sale (VIN 1HD1GHV103K336352)		C-C 00532-50			
119.		Original Deal Jacket for NH Sale (VIN 1HD1BMY453Y052113)		C-C 00451-61			
120.	02/21/05	Defendants' Supplemental Answers to Interrogatories	Plaintiff Summary Judgment Exhibit 36				
121.	08/12/03	E-mail from Mike Malicki to Al Contois and Steve Verduyn re: Lee Custom Cycle	Plaintiff Summary Judgment Exhibit 37, Verduyn 17	H-D 1855 – 1856			
122.	07/20/90	1991 Model Pricing and Non-Retail Sales Policy	Flickinger 4	H-D 1589-90			
123.	1991-2004	Harley-Davidson's Non-Retail Sales Policies for the 1991-2004 Model Years	Plaintiff Summary Judgment Exhibit 3, Flickinger 11	H-D 1624-1640, H-D 0987-0988			
124.	02/13/04	E-mail to Al Contois and Mike Malicki from Steve Verduyn w/audit notice attached for Boston Harley-Davidson	Verduyn 22	H-D 1911-12			

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125.	05/03/04	E-mail from Contois to Buchbaum re: Five Year Business Plan	Malicki 46	H-D 0978			
126.	03/18/04	Memorandum from Flickinger to Harley-Davidson dealers re: Sales of New Motorcycles in E-Commerce w/2004 Model Year Non-Retail Policy attached	Flickinger 12A	H-D 20013-15			
127.	07/28/03	E-mail from Steve Verduyn to Mike Malicki and Al Contois re: SWR report needed	Plaintiff Summary Judgment Exhibit 35, Verduyn 14	H-D 1852 – 1853			
128.	07/30/03	E-mail to Tony Gray and Kathy Henson from Steve Verduyn re: 1864 (Boston HD) financial statement	Verduyn 15	H-D 1854			
129.	02/02/04	E-mail to Al Contois from Steve Verduyn re: Boston HD audit/Non-Retail Sales	Verduyn 21	H-D 1910			
130.	08/07/03	Fax from Bloom to Lieutenant Wessles	Bloom 1	FLHP 91-131			
131.	2003	Thanks to Harley Davidson/Buell of Boston for helping to advance research and healthcare services programs		C-C 01974			
132.	04/22/04	Certificate of Appreciation for significant contributions to the Middlesex County Deputy Sheriff's Associations Charitable Programs		C-C 01976			
133.	04/22/04	Certificate of Appreciation – Sponsors Award - for significant contributions to the Middlesex County Deputy Sheriff's Associations Charitable Programs		C-C 01977			
134.		Certificate of Appreciation for generous support in furthering the goals of the Middlesex County Deputy Sheriffs' Association Community Outreach Programs		C-C 01978			
135.	January 2004	Dealer Operations Training Certificate		C-C 01982			
136.	January 2005	Dealer Operations Training Certificate		C-C 01984			
137.	2004	Plaque in Appreciation of sponsoring the Everett Cal Ripken Road Kings		C-C 01985			
138.	2004	President Award honoring commitment to excellence in providing customers the very best in financial services		C-C 01988			

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139.	2002	President Award honoring commitment to excellence in providing customers the very best in financial services		C-C 01989			
140.	2001	President Award honoring commitment to excellence in providing customers the very best in financial services		C-C 01990			
141.	2000	President Award honoring commitment to excellence in providing customers the very best in financial services		C-C 01991			
142.	2003	Harley-Davidson University awards given to Ron Buchbaum		C-C 02485-87			
143.	1996	1996 Annual Report of Harley-Davidson, Inc.					
144.	2002	2002 Annual Report of Harley-Davidson, Inc.					
145.	2003	2003 Annual Report of Harley-Davidson, Inc.					
A-1		Original Deal Jacket for FL Sale (VIN 1HD1GHV173K318821)		C-C 00799-813			
A-2		Original Deal Jacket for FL Sale (VIN 1HD4CAM163K449790)		C-C 00692-708			
A-3		Original Deal Jacket for FL Sale (VIN 1HD1BSY133Y075190)		C-C 00638-56			
A-4		Original Deal Jacket for FL Sale (VIN 1HD1GEV403K325618)		C-C 00762-80			
A-5		Original Deal Jacket for FL Sale (VIN 1HD1CAP103K448116)		C-C 00781-98			
A-6		Original Deal Jacket for FL Sale (VIN 1HD4CEM183K450253)		C-C 00744-61			
A-7		Original Deal Jacket for FL Sale (VIN 1HD4CEM113K447680)		C-C 00726-43			
A-8		Original Deal Jacket for FL Sale (VIN 1HD1CAP163K450548)		C-C 00603-19			
A-9		Original Deal Jacket for FL Sale (VIN 1HD1PFD1X3Y954586)		C-C 00620-37			
A-10		Original Deal Jacket for FL Sale (VIN 1HD1CGP193K447808)		C-C 00864-81			
A-11		Original Deal Jacket for FL Sale (VIN 1HD1CAP1X3K453887)		C-C 00586-602			
A-12		Original Deal Jacket for FL Sale (VIN 1HD1CAP113K450151)		C-C 00709-725			
A-13		Original Deal Jacket for FL Sale (VIN 1HD1CAP153K441145)		C-C 00882-900			
A-14		Original Deal Jacket for FL Sale (VIN 1HD1GEV153K330500)		C-C 00832-48			
A-15		Original Deal Jacket for FL Sale (VIN 1HD4CAM193K451727)		C-C 00657-73			
A-16		Original Deal Jacket for FL Sale (VIN 1HD1CGP143K443654)		C-C 00849-63			

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A-17		Original Deal Jacket for FL Sale (VIN 1HD4CEM193K451492)		C-C 00901-05			
A-18		Original Deal Jacket for FL Sale (VIN 1HD4CEM153K450792)		C-C 00674-91			
A-19		Original Deal Jacket for FL Sale (VIN 1HD4CAM143K443289)		C-C 00901-05			
B		Original Deal Jacket for sale to Jayne Handscom [Lou Winz Auto] (VIN 1HD1FYW103Y610226)		C-C 00814-31			
C-1		Original Deal Jacket for sale of VIN 1HD1HAZ133K839405 (P. Kalinoski)		C-C 00097-119			
C-2		Original Deal Jacket for sale of VIN 1HD1BWB183Y107390 (J. Stanwood)		C-C 00209-25			
C-3		Original Deal Jacket for sale of VIN 1HD1BMY473Y085436 (M. Connelly)		C-C 00286-325			
C-4		Original Deal Jacket for sale of VIN 1HD1HAZ113K842917 (J. Orellana)		C-C 00133-67			
C-5		Original Deal Jacket for sale of VIN 1HD1GDV443K314311 (S. Kenney)		C-C 00073-95			
C-6		Original Deal Jacket for sale of VIN 1HD1BHY143Y099680 (R. Richards)		C-C 00356-82			
C-7		Original Deal Jacket for sale of VIN 1HD1HAZ403K842594 (V. Fiamma)		C-C 00038-71			
C-8		Original Deal Jacket for sale of VIN 1HD1BSY123Y105487 (M. Botelho)		C-C 00256-85			
C-9		Original Deal Jacket for sale of VIN 1HD1BYB493Y097183 (J. Blodgett)		C-C 00226-54			
C-10		Original Deal Jacket for sale of VIN 1HD1BJY183Y052286 (J. Colleran)		C-C 00327-37			
C-11		Original Deal Jacket for sale of VIN 1HD1PAC25YY951664 (J. Atwood)		C-C 00422-24			
C-12		Original Deal Jacket for sale of VIN 1HD1FCW463Y630589 (J. Atwood)		C-C 00415-421			
C-13		Original Deal Jacket for sale of VIN 1HD1FSW143Y638979 (E. Velasquez)		C-C 00168-208			
C-14		Original Deal Jacket for sale of VIN 1HD1FFW103Y638193 (R. Tindle)		C-C 00338-54			

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C-15		Original Deal Jacket for sale of VIN 1HD1CGP413K31340 (J. Atwood)		C-C 00425-27			
C-16		Original Deal Jacket for sale of VIN 1HD1HAZ133K848962 (T. Mulvey)		C-C 00384-414			
C-17		Original Deal Jacket for sale of VIN 1HD1BXB493Y082225 (F. Giordano)		C-C 00120-32			
D-1	July 2003	Original Deal Jacket for sale to Joe Giordano (VIN 1HD1FSW1X3Y637433)	Buchbaum Declaration Exhibit 1				
D-2	July 2003	Original Deal Jacket for sale to Charles Potts (VIN 1HD1FSW443Y633629)	Buchbaum Declaration Exhibit 2				
E.		Photo Collage celebrating the 35 <sup>th</sup> Anniversary of Cycle-Craft		C-C 02163			
F.		Photo of the original Everett Cycle-Craft location		C-C 02164			
G.		Photo of police officers around a police Harley-Davidson motorcycle		C-C 02166			
H.	03/20/02	Email from Nichols to Holaday re: Atwood SRL/ ARO/S possibilities	Holaday 60	H-D 1501			
I.	02/04/03	Letter from Nichols to Atwood re: Boston, MA Market Study	Malicki 39	H-D 0982-86			
J.	07/28/03	Copies of driver's licenses from the sales of motorcycles to Florida residents at issue in this dispute	Plaintiff Summary Judgment Exhibit 18, Lunsford 8, Stevens 6				
K.	10/01/03	Employee Warning Notice issued to Jason Marasca	Buchbaum 14	C-C 02453			
	02/11/04	Employee Warning Notice issued to Jason Marasca	Buchbaum 15	C-C 02454			
	04/08/04	Employee Warning Notice issued to Jason Marasca	Buchbaum 16	C-C 02455			
L.	05/90	Study entitled "Analysis and Recommendations Concerning Export Sales" compiled by the Fontana Group, Inc.	Plaintiff Summary Judgment Exhibit 5, Flickinger 3	H-D 1572 - 1588			
M.	05/21/92	Harley-Davidson Non-Retail Policy/P & A Allocation Meeting Minutes	Plaintiff Summary Judgment Exhibit 6, Flickinger 8	H-D 1606 - 1608			
N.	04/18/91	Memorandum from Cimermanic to Harley-Davison employees re: "Non-Retail" Sales	Flickinger 5	H-D 1592-95			

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O.	02/93	Letter from Fink to Harley-Davidson dealers re: Non-Retail Sales	Flickinger 10	H-D 1615-23			
P.	12/13/02	E-mail from Bill Holaday to Mike Malicki, Gene Ostrom, CC to Barry Nichols and Joe Marcolina re: Boston Market Study	Plaintiff Summary Judgment Exhibit 34, Malicki 38	H-D 1805 - 1806			
Q.	04/27/04	Termination letter to Tina Hargis re: Boston Harley-Davidson	Verduyn 77	H-D 31010-11			
	09/19/03	Letter from Flickinger re: Bob Schultz dealer Investigation	Verduyn 79	H-D 31006-07			
	01/14/04	Letter from Flickinger re: Schofield, WI investigation	Verduyn 80	H-D 31003-05			
R.	03/01/04	Letter to Bruns indicating intent to audit dealership.	Verduyn 82	H-D 20526-30			
S.	Various Dates	Letters sent from Harley-Davidson, Inc. to dealers	Portion of Verduyn 87	H-D 20794-98			
	02/13/04	Letter from Malicki to McTamney of Liberty Harley-Davidson		H-D 10615-16			
	04/02/04	Letter from Malicki to McTamney of Liberty Harley-Davidson		H-D 10617-20			
	10/30/02	E-mail from Verduyn to Oppermann re: Suspect non-retail letter needed, dealer 0230		H-D 41746			
	10/31/02	Letter from Hutchinson to Scott of Harley-Davidson Fullerton, Inc.		H-D 41744-45			
	05/27/03	Letter from Hutchinson to Scott of Harley-Davidson Fullerton, Inc.		H-D 41749-51			
	12/12/02	Letter from Hutchinson to Tom of Downtown Harley-Davidson		H-D 42138-39			
	02/05/03	Letter from Hutchinson to Tom of Downtown Harley-Davidson		H-D 42338-42			
	03/31/03	Letter from Hutchinson to Tom of Downtown Harley-Davidson		H-D 42343			
	10/11/02	Letter from Heichelbech to Rhoten of Dodge City Harley-Davidson		H-D 41434-35			
	12/06/02	Letter from Heichelbech to Rhoten of Dodge City Harley-Davidson		H-D 41427-28			
T.	01/28/04	New Hampshire Motor Vehicle Industry Board Decision in the Matter of Seacoast Harley-Davidson, Inc.					



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U.	06/28/00	MA House of Representatives Resolutions commending the Ronald McDonald House and the Boston Harley Owners Group for Outstanding Support for Children With Cancer and Their Families		C-C 00030			
V.	07/30/00	Proclamation by Governor Cellucci commending the Ronald McDonald House for supporting health care and medical research and the Boston Harley Owners Group for their commitment to the Ronald McDonald House		C-C 00031			
W.	07/28/02	Proclamation by Governor Swift commending the Ronald McDonald House for supporting health care and medical research and the Boston Harley Owners Group for their commitment to the Ronald McDonald House		C-C 00032			
X.	07/18/02	MA General Court Resolutions commending the Ronald McDonald House and the Boston Harley Owners Group on their 11 <sup>th</sup> Anniversary Ride and for Their Outstanding Support for Children With Cancer and Their Families		C-C 00033			
Y.	07/25/99	Proclamation by Governor Cellucci commending the Ronald McDonald House for supporting health care and medical research and the Boston Harley Owners Group for their commitment to the Ronald McDonald House		C-C 00034			
Z.	07/28/96	Proclamation by Governor Cellucci commending the Ronald McDonald House for supporting health care and medical research		C-C 00035			
AA.	07/26/98	Proclamation by Governor Cellucci commending the Ronald McDonald House for supporting health care and medical research and the Boston Harley Owners Group for their commitment to the Ronald McDonald House		C-C 00036			

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BB.	07/28/96	Proclamation by Governor Cellucci commending the Ronald McDonald House for supporting health care and medical research and the Harley Owners Group for contributing to raising awareness about the Ronald McDonald House		C-C 00037			
CC.		Award Honoring Boston Harley Owners Group Chapter and Boston Harley Davidson for all their hard work and dedication to benefit children with AIDS – Send the Kids to Camp		C-C 01969			
DD.		Newspaper photos and text re Boston Harley-Davidson's sponsorship of event for the Gabe Kapler Foundation		C-C 01971			
EE.	07/26/04	Newspaper photos and text re ride organized by Boston Harley Owners Group Chapter and Boston Harley Davidson which raised \$20,000 for brain injury survivors		C-C 01972			
FF.	05/28/04	Newspaper photos and text re Boston Harley-Davidson's sponsorship of Cal Ripken Buddy Ball	Plaintiff Summary Judgment Exhibit 41-H	C-C 01973			
GG.		Newspaper photos and text re Boston Harley-Davidson's sponsorship of Annual ride to benefit the Muscular Dystrophy Association		C-C 02480			
HH.	1984	Bar & Shield Circle of Excellence for National Parts and Accessories Sales		C-C 01992			
II.	July 1969	For Sales and Service Excellence – One of The Top Harley-Davidson Dealers On The North American Continent		C-C 01995			
JJ.	2004	Shop Talk article re good service provided by Buchbaum and Boston Harley-Davidson for a Sturgis Rider		C-C 02005			
KK.	2000	Oversized check made payable to the Ronald McDonald House for the amount of \$36,000.01		C-C 02006			
LL.	2001	Support of Boston Harley Owners Group and the 10 <sup>th</sup> Annual Benefit Ronald McDonald Run		C-C 02144			

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MM.	2000	Support of the 9 <sup>th</sup> Annual Benefit Ronald McDonald Run		C-C 02145			
NN.	12/12/01	Award Honoring Boston Harley-Davidson for its sponsorship and support of their efforts to raise funds for the America's Survivor Relief Fund that aids victims of the September 11, 2001 attack by terrorists on America		C-C 02148			
OO.	2002	Photo and plaque in Appreciation of sponsoring an Everett Cal Ripken baseball team		C-C 02149			
PP.	2001-2002	Outstanding Service and Contribution		C-C 02152			
QQ.	2001	U.S. Police Sales and Service Dealer of the Year - Eastern Region					
RR.		Article in Quest Magazine, a Muscular Dystrophy Association publication, relating to Boston Harley-Davidson fund raising event for the MDA		C-C 02170-72			
SS.	1998	Appreciation for Dedication to The Boston Harley Owners Group and Support With The 7 <sup>th</sup> Annual Ronald McDonald Run		C-C 02479			
TT.		Photo and text of newspaper article relating to Bubba Blackwell's jump at Boston-Harley Davidson		C-C 02483			
UU.		Bad Boys of Boston poster sponsored by Boston Harley-Davidson – proceeds from sales donated to charity		C-C 02481			
VV.	1966	Photo of original Cycle-Craft dealership in Roxbury					
WW.		Photo of satisfied Cycle-Craft customer					
XX.	2001	Photo of Mr. Atwood presenting a check to the Boston Bruins' Wives Club on behalf of Boston Harley-Davidson at the Fleet Center					
YY.	1999	MA Small Business Association Person of the year statue					
ZZ.	1999	MA Small Business Association Person plaque					

Respectfully submitted,

CYCLE-CRAFT CO., INC.

By its attorneys,

/s/ James C. Rehnquist  
James C. Rehnquist (BBO# 552602)  
Samantha L. Schreiber (BBO# 640058)  
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Boston, MA 02109  
(617) 570-1000

Dated: May 22, 2006

**CERTIFICATE OF SERVICE**

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 22, 2006.

/s/ James C. Rehnquist  
James C. Rehnquist